

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING – AUGUST 4, 2015**

The meeting was called to order at 9:00 A.M. with Commissioners Arthaud, Kasian, and Kessel in attendance.

Others present during portions of the meeting were: Tim Wilhelmi, Donna Adams, Stacey Swanson, Colleen Lapp, Pat Rummel, Keri Rummel, Jeff Iverson, Hanan Levin, Ashley Ross, Justin Hyndman, Jen Turnbow, John McDaniel, Angi Howe, Susann Wolf, Tim Wilhelmi, Darianne Johnson, Kayla Messall, Joyce Thompson, Sherry Adams, Cody Reis, David Reis, Trevor Burian, Paige Burian, George Hurt, Andrew Hodell, Frank Hurt, Tammy Simnioniw, Stacey Kessel, Julie Reis, Drew Combs, Allisen Bement, Jenny Budenborg, Amy Sakariassen, Amy Cole, John Tczap, Denton Zubke, Pat Hedstrup, Andrew Trenick, Chris Marohl, Jon Cameron, Shirley Meyer, Rodney Brown, Allan Richard, Destry Northrop, Cody Tachenko, Gordon Gerbig, Randy Hatzenbuhler, Abby Kessler, Rene Fick, Deb Theurer, Jim Wosepka, Rita Ennen.

Kessel moved to approve the minutes from the July 7, 2015 regular meeting. Kasian seconded. All voted aye.

Auditor Lamb informed the board that two members' terms on the Billings County Weed Board ended on July 31, 2015. Kevin Fugere and Kasey Malkowski indicated that they would be willing to continue serving on this board. Kessel moved to re-appoint Kevin Fugere and Kasey Malkowski to a four year term. Kasian seconded. All voted aye.

Auditor Lamb also informed the board that they need to appoint a delegate from the County to the North Dakota Association of Counties annual meeting. Kasian moved to appoint Pat Rummel as NDACo delegate for a two year term. Kessel seconded. All voted aye.

Sheriff Rummel presented two grant approvals for funding a deputy for two years and a paramedic for one year. Chairman Arthaud signed.

Auditor Lamb presented a request to hire BEK Communications to replace the phone system in the courthouse to VOIP. Kessel moved to approve the request. Kasian seconded. All voted aye.

John McDaniel and Susann Wolf from the Belfield Ambulance Service were present to discuss a proposal to build a new Ambulance building in Belfield. They have received oil and gas grants and are looking to find funding for the remaining \$320,000.00 still needed. The board informed them that they would like to see Stark County and the City of Belfield cover a portion and Billings County will review this request after all information is gathered.

The board discussed a request for easement from a Tim Wilhelmi south of the Amerada gathering station in Section 14-139-102. The board stated that they did not have an issue as long as there continued to be public access. He was informed to get in contact with States Attorney Brovold.

Road Superintendent Iverson went over the monthly road report. He stated that Gary Edland was hired on the 2<sup>nd</sup> District Road Crew. Also discussion ensued regarding a Federal Aid road project on 123<sup>rd</sup> Avenue. A landowner rejected the negotiated county offer for right-of-way. This project is scheduled to bid in November. The next course of action will be commencing condemnation proceedings on this portion of the road. Kasian moved to approve working towards condemnation. Kessel seconded. All voted aye.

The board reviewed zoning requests that had been addressed by the zoning board at their July 16, 2015 meeting as follows:

Von & Noreen Johnson: Application for an addition to a residence on an 8.40 acre tract in the NW1/4 35-141-99 (12772 29<sup>th</sup> St SW). Also requested is a variance for the setback requirements, structure is proposed to be 98' from the center of 29th St SW. Property is zoned agricultural. Noreen Johnson was present to answer questions. The proposed garage will be 5' into setback. The zoning board approved the application with the variance. Kessel moved to uphold the zoning board decision. Kasian seconded. All voted aye.

Lance Anderson: Application for a conditional use permit to move a manufactured home to the NW1/4SE1/4 26-144-98 (12128 10<sup>th</sup> St SW). Property is zoned agricultural and currently owned by Trevor Burian. Approval from Southwest District Health has not been turned in. Setbacks are in compliance. The zoning board approved the conditional use permit contingent upon SW District Health approval and a letter being received by Trevor Burian regarding approval of the development. Kessel moved to uphold the zoning board decision. Kasian seconded. All voted aye.

The board received and approved the following permit with road superintendent conditions:

ARW Permit

- Midstate – Section 1-139-102 along East River Road

Sherry Adams and Joyce Thompson from SW District Health were in attendance to present the 2016 budget. The request is roughly a 5% increase from this year’s budget due to salaries and fringe benefits.

Darianne Johnson and Kayla Messall were present to discuss the request from Domestic Violence Rape Crisis Center. They stated that this is the only shelter covering 8 counties. The board stated that they would approve \$4,000.00 to the center and \$3,500.00 to the Family Connection Save Visitation Center for 2016. This will be included in the preliminary budget.

Discussion ensued regarding current road restrictions that can be found on [www.ndenergy.org](http://www.ndenergy.org) A number of individuals were present to discuss the 6 ton weight restrictions on 10<sup>th</sup> Street. The individuals were concerned about being able to move hay trailers. The board agreed to lift restrictions on 10<sup>th</sup> but informed the individuals that the axle weights must be within regulation. Sheriff Rummel stated that if anyone needed their weights taken prior to traveling, the Sheriff’s department would be willing to do that.

Deb Theurer was present to discuss the NDSU Extension/Parent Resource Center budget request for 2016. The request is the same as 2015 at \$1300.00. This will be included in the preliminary budget.

Jim Wosepka was present to discuss the audit for 2014 year. He stated that it moved quickly and the county is in a good financial position. The audit report is available for the public to review at the county auditor’s office. Kessel moved to approve the 2014 audit report. Kasian seconded. All voted aye.

Justin Hyndman was present for the monthly engineer report. Jen Turnbow and Ashley Ross were present to discuss the progress of the Environmental Impact Study on the Little Missouri River Crossing.

Rita Ennen was in attendance to discuss the 2016 budget request to provide county library services. The request is for \$54,337.00 of which a portion will be funded by a mill levy. She also discussed library fines and that they are not waived for Billings County residents.

The board recessed from 12:00 to 1:00 P.M.

Tammy Simnioniw, Julie Reis, and Stacey Kessel were in attendance from the Billings County School District to discuss a request for \$350,000 from the annual BankHead Jones payment that is to be used for roads and schools. Kessel moved to approve \$350,000. Kasian seconded. All voted aye.

Discussion ensued regarding 2016 Cost of Living Increases for county employees. After agreement of a 4% increase based on the highest salary, Kessel moved to approve \$2,901.38 across the board. Kasian seconded. All voted aye. Discussion on individual adjustments will be made at the September commission meeting.

Auditor Lamb requested permission to make the budgeted transfers of \$57,000.00 to the Weed Board fund and \$1,900.00 to the Extension Service fund both from Operating & Maintenance. Also budgeted transfer of \$10,000.00 from 911 Wireless fund to Emergency 911 fund. Kessel moved to approve. Kasian seconded. All voted aye.

Jenny Buddenborg was present from the National Trust for Historic Preservation to give a presentation to the board regarding their push to turn the Elkhorn Ranchlands into a National Monument. After discussion regarding the county’s position, Kessel moved to approve Resolution 2015-17 opposing the National Monument status. Kasian seconded. All voted aye. Resolution 2015-17 reads as follows:

**RESOLUTION OF BOARD OF COUNTY COMMISSIONERS,  
BILLINGS COUNTY, NORTH DAKOTA  
Resolution No. 2015 - 17**

WHEREAS, the President of the United States is being urged to declare a national monument to protect the President Theodore Roosevelt’s Elkhorn Ranch from the claimed threats of gravel mining, oil and gas drilling, fracking, and road traffic;

WHEREAS, the Elkhorn Ranch site is in fact within the boundaries of the Theodore Roosevelt National Park and as such is already fully protected by its designation as part of the national park;

WHEREAS, the proposed national monument applies to land located outside of the national park boundaries but which were part of the Ebert Ranch land acquisition and are managed as part of the Little Missouri National Grassland;

WHEREAS, when Congress approved and funded the land acquisition in December 2007, it stipulated that the acquired land was to be managed pursuant to the grazing agreement between the U.S. Forest Service and the Medora Grazing Association and further that the grazing animal unit months for both federal and

private lands that constituted the Elkhorn Ranch were to be made a part of and subject to the grazing agreement and were to be allocated to the members of the Grazing Association, Sections 424-425, Pub. L. 110-161 (Dec. 27, 2007);

WHEREAS, the law further stipulated that the multiple uses of the Elkhorn Ranch were to continue;

WHEREAS, the private lands that were part of the Elkhorn Ranch did not include all of the mineral rights and, in accordance with state and federal law, mineral rights enjoy a right of development regardless of the surface management;

WHEREAS, the proposed national monument cannot lawfully interfere with the rights of development enjoyed by the owners of the mineral estate;

WHEREAS, Billings County has spent millions of dollars and many years to secure a right-of-way and highway across the Little Missouri River to ensure safe and reliable transportation for people and commerce and the route of the proposed road and bridge are located outside of the national park;

WHEREAS, the proposed national monument will, however, conflict with the congressional terms of acquisition, especially the continuation of livestock grazing as managed by the Medora Grazing Association and the multiple use management mandate, and will unduly interfere with existing rights and the County’s need for a safe and reliable transportation system;

WHEREAS, Article IV, Section 3, cl. 2 of the United States Constitution states: “The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States,”

WHEREAS any authority exercised by the President under the Antiquities Act is limited to the authority delegated by Congress and cannot contradict any other provision of law;

WHEREAS, the exercise of Congress authority in authorizing the acquisition of the Elkhorn Ranch area and its subsequent management remains the law of the land and cannot be reversed or modified by Presidential action under the Antiquities Act;

WHEREAS, the designation of national monuments has consistently resulted in the end to livestock grazing and mineral revenues thereby contradicting the custom, and culture of Billings County;

WHEREAS, a national monument designation would further interfere with the county’s transportation plan and efforts to alleviate areas traffic on the current roads which exceeds the level of service for which they were designed and puts the public health and safety of the Billings County citizens at risk;

BE IT THEREFORE RESOLVED,

The Board of Commissioners, Billings County, North Dakota opposes the designation of the proposed Elkhorn national monument in all respects.

Dated at Medora, ND, this 4<sup>th</sup> day of August, 2015.

BILLINGS COUNTY, NORTH DAKOTA

By: \_\_\_\_\_  
Board Chairman

Attest: \_\_\_\_\_  
Marcia Lamb, County Auditor/Treasurer

The board approved the revenue vouchers for the month of July: Recorder \$4,935.80; Zoning \$936.36; Court \$111.00; Sheriff \$30.00

Revenues for materials and/or services rendered in July: Belfield Sportsman Club \$1,530.90 gravel; Cody Lindbo \$567.00 fill dirt/topsoil & hauling; Raymond Kessel \$1,213.50 gravel & hauling; Bill Reis \$258.60 gravel & hauling; Golden Valley County \$2,601.30 seeding; Cody Buehner \$412.00 scoria & hauling; Leon Armbrust \$547.25 gravel & hauling; Martin Construction \$1,663.60 C.M.P and bands and CSES & Straps; Roughrider Electric \$354.38 scoria.

Revenues for the month of July: Sheriff \$8,650.00 permits, Sheriff \$283.00 24/7 payments; Sheriff \$60.00 overload fines; Highway Tax Distribution \$15,700.92; Oil & Gas Production Tax \$139,875.34; Interest \$93,109.44; Royalties \$18,943.64; Unorganized Oil & Gas Production Tax \$41,128.96; NDAOGPC Permits

\$2,153.75; EMS Service \$6,299.43; Township Distribution \$21,026.01; State Aid Distribution \$84,096.56; ND Dept of Agriculture \$5,341.88 TAG/LAP; Misc \$16.88

The following claims were approved for payment:

PAYEE	CHECK #	AMOUNT
Blue Cross Blue Shield	009739	\$ 3,047.30
N.D. P.E.R.S.	009740	\$ 48,358.34
24/7 Contracting Services, LLC	009741	\$ 187,909.87
A-Z Hydro Seeding	009742	\$ 2,500.00
Advanced Business Methods	009743	\$ 789.16
Advanced Collision Center, Inc.	009744	\$ 102.00
Alternative Sanitation	009745	\$ 220.00
AmeriPride Linen Service	009746	\$ 153.90
Anchor Drilling Fluids USA, Inc.	009747	\$ 8,800.00
A T & T Mobility	009748	\$ 74.10
AVI Systems	009749	\$ 6,996.00
Bakken Hydraulic & Machine, Inc.	009750	\$ 91.92
Belfield Automotive Supply, Inc.	009751	\$ 2,145.09
Billings County Rural Fire District	009752	\$ 6,201.20
Billings County Pioneer	009753	\$ 550.44
Billings County School District	009754	\$ 1,190.07
Black Hills Ammunition	009755	\$ 4,176.50
Boespflug Trailers & Feed	009756	\$ 19.50
Bound Tree Medical	009757	\$ 6,972.51
Brooks & Associates, C.E.	009758	\$ 5,433.35
Brownells, Inc.	009759	\$ 1,549.64
Butler Machinery Co.	009760	\$ 1,400.00
CDW Government	009761	\$ 1,558.72
Cerkoney, Cathy	009762	\$ 90.25
CHI St. Joseph's Hospital	009763	\$ 110.00
D & K Services, LLC	009764	\$ 751.48
Dahlin, Inc.	009765	\$ 3,000.00
Dakota Dirt Works	009766	\$ 17,763.00
Dakota Farm Equipment, Inc.	009767	\$ 946.88
Dakota Filter Supply	009768	\$ 500.64
Dakota Insurance	009769	\$ 25.00
Dan's Interstate Conoco, Inc.	009770	\$ 42.00
Dell-Comm, Inc.	009771	\$ 72,880.00
Dickinson Press	009772	\$ 167.00
Dickinson Public Library	009773	\$ 2,558.97
Dryland Enterprises	009774	\$ 14,691.25
Erickson Trucking, Greg	009775	\$ 26,625.00
Fasteners	009776	\$ 712.18
Ferguson Enterprises, Inc.	009777	\$ 748.28
Four Corners Café	009778	\$ 587.50
Gall's, Inc.	009779	\$ 124.99
George's Tire, Ltd.	009780	\$ 191.00
Golden Valley County	009781	\$ 10,814.21
Hecker, Arvid C. & Mary E.	009782	\$ 1,230.00
Heiser Electric, Don	009783	\$ 400.00
Helena Chemical Company	009784	\$ 14,246.70
Hild, John	009785	\$ 250.00
Hintz, Kadon	009786	\$ 1,000.00
Hlebechuk Construction, Inc.	009787	\$ 185,464.93
Hlebechuk Construction, Inc.	009788	\$ 50,077.50
Hlebechuk Construction, Inc.	009789	\$ 981.72
Interstate Power Systems, Inc.	009790	\$ 1,820.00
J P Steel & Supply, Inc.	009791	\$ 352.00
Johnson, Joshua Q.	009792	\$ 1,000.00
Just-In Glass	009793	\$ 70.00
Kadrmass, Lee, & Jackson, Inc.	009794	\$ 77,625.19
Kasian, Connie	009795	\$ 84.50
Kasian, Michael E.	009796	\$ 95.45
Kessel, Anita F.	009797	\$ 96.00
Kessel, Joseph L.	009798	\$ 228.83
Kirsch, Kevin & Collette	009799	\$ 8,329.00
Krehlik, Mary Ann	009800	\$ 3,505.00
Krush, Paul	009801	\$ 98.30
Kuntz, Paul & Donna	009802	\$ 2,425.00
Lamb, Marcia	009803	\$ 198.30
Lawson Products, Inc.	009804	\$ 1,610.12
Lexipol, LLC	009805	\$ 2,475.00
LF Grading, LLC	009806	\$ 6,500.00
Lyle Signs, Inc.	009807	\$ 3,358.92
Mac's, Inc.	009808	\$ 483.47
Mackoff Kellogg Law Firm	009809	\$ 20.00
Mainstay Suites – Bismarck	009810	\$ 154.00
Malkowski Trucking	009811	\$ 30,000.00
Mark's Tire Service, Inc.	009812	\$ 35.44
MedMedia	009813	\$ 250.00
Medora Convenience Store	009814	\$ 110.68
Medora, City of...	009815	\$ 635.90
Menards – Dickinson	009816	\$ 914.42
Metro-Billing Services	009817	\$ 152.00
Midwest Doors, Inc.	009818	\$ 170.09
Missouri Valley Petroleum, Inc.	009819	\$ 18,542.23
N.D. Association of Assessing Officers	009820	\$ 360.00
N.D. Association of Counties	009821	\$ 86.09
N.D. Association of Counties	009822	\$ 378.00

N.D. Attorney General	009823	\$	310.00
N.D. Cowboy Hall of Fame	009824	\$	200.00
N.D. Department of Transportation	009825	\$	411.92
N.D. Insurance Department	009826	\$	550.00
N.D.P.E.R.S.	009827	\$	3,973.76
N.D. State Tax Commissioner	009828	\$	4.35
N.D. State Treasurer	009829	\$	198.63
NDACO Resources Group, Inc.	009830	\$	2,307.69
NDACO Resources Group, Inc.	009831	\$	1,689.35
Nelson International	009832	\$	2,931.80
Neutron Industries	009833	\$	274.06
Newby’s Ace Hardware	009834	\$	244.22
North Dakota One Call	009835	\$	50.60
Northern Plains Engineering, LLC	009836	\$	17,062.50
Northwest Tire, Inc.	009837	\$	8,601.70
O’Brien Oilfield Service, LLC	009838	\$	59.99
O’Brien, Tyler	009839	\$	65.00
Obrigewitch, Kenneth	009840	\$	27,903.00
Off Road Software, Inc.	009841	\$	695.00
OK Tire Stores	009842	\$	838.52
Pakor, Inc.	009843	\$	100.54
Pitney Bowes Reserve Account	009844	\$	2,400.00
Post Board	009845	\$	110.00
Prairie Implement & Equipment	009846	\$	486.65
Premier Portable Buildings	009847	\$	2,185.00
Pump Systems, Inc.	009848	\$	362.53
Putnam, Karen	009849	\$	51.15
RDO Equipment Co.	009850	\$	1,391.17
Rockmount Research & Alloys	009851	\$	742.42
Romanyshyn Trucking	009852	\$	11,542.50
RPM Auto Repair	009853	\$	1,044.08
Rudy’s Lock & Key	009854	\$	6.00
Rummel Auto Wrecking	009855	\$	28.63
Runnings Supply, Inc.	009856	\$	74.36
Sax Motor Co.	009857	\$	1,277.90
Sherwin-Williams Co.	009858	\$	139.84
Southwest Business Machines	009859	\$	1,268.60
Southwest Multi-Co. Correction Ctr.	009860	\$	1,225.25
Southwest Water Authority	009861	\$	1,870.00
Southwest Water Authority	009862	\$	1,102.65
Southwestern District Health Unit	009863	\$	3,834.79
Stein’s, Inc.	009864	\$	142.90
Swanston Equipment Corp.	009865	\$	902.47
Tachenko, Terry D. & Terri L.	009866	\$	1,500.00
Tczap, John	009867	\$	50.00
Tom’s Service Center	009868	\$	1,136.00
Total Safety U.S., Inc.	009869	\$	350.93
UltraMax	009870	\$	435.00
Uniform Center	009871	\$	56.99
Verizon Wireless	009872	\$	1,568.13
Volesky Construction	009873	\$	2,375.00
Wal-Mart	009874	\$	1,102.37
Warne Chemical & Equipment Co.	009875	\$	451.80
Westlie Truck Center	009876	\$	4,199.58
Wosepka, PC, James J.	009877	\$	8,000.00
N.D. P.E.R.S.	009881	\$	33,939.71
Century Link	009885	\$	531.54
Consolidated	009886	\$	232.19
Discovery Benefits, Inc.	009887	\$	83.00
Information Technology Dept.	009888	\$	584.75
Medora, City of...	009889	\$	511.25
Midstate Telephone Company	009890	\$	949.92
Reservation Telephone Cooperative	009891	\$	40.00
Roughrider Electric Cooperative	009892	\$	3,413.25
Visa	009893	\$	5,900.03
Visa	009894	\$	1,816.14

Payroll in the following amounts were approved for July: General Fund \$129,759.67; Road and Bridge Fund \$104,220.85; Weed Fund \$42,752.15.

With there being no further business, Kasian moved to adjourn the meeting 3:45P.M. Kessel seconded. All voted aye.

James Arthaud, Chairman

Attest: \_\_\_\_\_

Marcia Lamb, Auditor/Treasurer